

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA                    )  
          v.                                        )     Case No. 04-10336-NMG  
REYNOLDO RIVERA,                            )  
          Defendant                            )

GOVERNMENT'S MOTION FOR EXTENSION OF TIME TO FILE OFFENSE CONDUCT

The government respectfully moves this Court for a one week extension of time to file its version of offense conduct for this defendant, until the offense conduct for the co-defendants on trial is due, but no later than November 6, 2006. In support of its motion, the government notes:

1. Defendant Reynoldo Rivera pled guilty before this Court on Thursday, October 19, 2006. Under this Court's procedural order regarding sentencing, the government must ordinarily submit the offense conduct for this defendant within one week - October 26, 2006.
2. The government expects, based on discussions with defense counsel as well as based on defendant's remarks during the plea colloquy, that drug weight will be a disputed issue.
3. This Court is currently presiding over the trial of 5 co-defendants of Reynoldo Rivera. The evidence presented at that trial is, in substantial part, the evidence that will be used to establish the drug weight for defendant Rivera.
4. The government expects to close evidence against these persons on October 26, 2006. If the jury returns a verdict

by Monday, October 30, 2006, the offense conduct for any defendants against whom a verdict of guilty is returned will be due on or before November 6, 2006.

5. The government respectfully submits that filing a single offense conduct that incorporates all of the evidence at trial, will allow the government to place the evidence in context and place this defendant in context with his co-conspirators.

For the foregoing reasons, the government respectfully seeks this brief delay in submitting the government version of offense conduct for this defendant.

Respectfully submitted,

MICHAEL J. SULLIVAN  
United States Attorney

By: /s/ Nancy Rue  
William Bloomer  
Nancy Rue  
Assistant U.S. Attorney

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF).

/s/ Nancy Rue  
Nancy Rue  
Assistant U.S. Attorney

Date: October 22, 2006